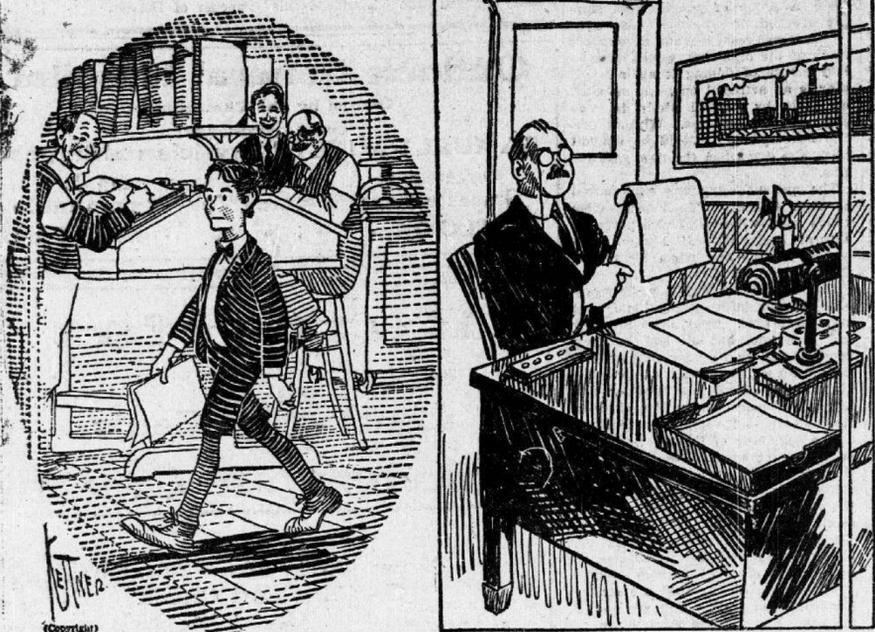


R'member

THAT RED-HEADED OFFICE BOY, WELL— HE'S PRESIDENT OF THE COMPANY NOW



A REACTIONARY FOR SUPREME COURT BENCH

(From the New Republic)

The appointment of Pierce Butler, St. Paul corporation lawyer, as associate justice of the supreme court to fill the vacancy caused by the resignation of Justice Day, has created a storm of protest from progressive elements in the northwest, where Mr. Butler's record, views and temperament are generally well known.

No doubt it is typical of Mr. Harding's other appointments for the court. But coming on the heels of a most vigorous protest by the people against the reactionary policies of the present administration, it is almost astonishing—particularly since the appointee is from a state which registered the outstanding progressive victory of the recent election by electing Henrik Shipstead to the United States senate, running on the Farmer-Labor ticket in opposition to Senator Frank B. Kellogg, personal friend of the president and one who urged the appointment of Mr. Butler.

Is Corporation Lawyer.

Who is Pierce Butler and why was he appointed? Mr. Butler, for 25 years, has been a corporation lawyer. He is regarded by many members of his own profession as the foremost railroad attorney not only in the north west but in the country. No one disputes his ability as an attorney. He gained his national reputation as a railroad lawyer by his handling of the famous Minnesota railroad rate cases in 1907, when he appeared as chief counsel for northwestern railroads to combat the Minnesota rates. The case attracted nationwide attention, this being the first real test of the question of whether a state has the right to regulate intrastate rates. The case was won in the lower courts by the railroads, but the United States supreme court reversed the decision.

Represented Big Interests.

Prior to that time Mr. Butler's reputation as a corporation lawyer of ability was more than local. One of his first clients—which he has represented ever since—was the St. Paul Gas Light Co., a subsidiary of one of the large light and power trusts of the country. From 1899 to 1905 he was trial lawyer for the Omaha, St. Paul, Minneapolis and Omaha railroad, and represented the Hill roads, the Great Northern, Northern Pacific and Burlington, in all their important litigation for many years. During the valuation hearings before the interstate commerce commission in the proceedings which resulted in fixing the valuation of the roads at about \$19,000,000, Mr. Butler represented practically all the western roads, and was one of the leading attorneys before the commission. It was this valuation, regarded by many experts as billions of dollars greater than the actual value of the roads, which formed the basis for fixing railroad rates by the interstate commerce commission under the Esch-Cummins law.

Opposed Wage Award.

Mr. Butler appeared in court on numerous occasions as counsel for corporations in litigation where the interests of the corporations were opposed to those of the people. He was attorney for the Minneapolis Gas Light Co. in receivership proceedings in federal court when the receivership was used to get the case into federal court as a step for increased rates, which were obtained. He represented the St. Paul Gas Light Co. also in a successful fight for increased rates. When the Minneapolis Steel & Machinery Co., a notorious labor-baiting corporation, conferred an award made to their employees by the war labor board, Pierce Butler appeared as attorney to wage the fight against the workers. He conducted a similar fight for the gas companies of Minneapolis and St. Paul. Nash Brothers Produce Co., the large produce concern in the northwest, was represented by Mr. Butler to combat charges against the firm in North Dakota alleging violation of the anti-trust laws.

Friend of League Foes.

One of the most dubious cases in which Mr. Butler appeared as coun-

sel for the defense was a suit brought by John Meintz, a farmer of Luverne, Minn., against 30 businessmen of that city growing out of a tar and feathering. Meintz, who was threatened because he helped finance a local Nonpartisan league newspaper, was taken from his home by the defendants, who then delivered him over to another group of men who did the dirty work. Mr. Butler presented a defense that the defendants in reality were friends of Meintz, and kidnapped him to prevent his falling into the hands of a group bent on bodily harm, a highly dubious defense.

The jury, acting on instructions of the judge, found for the defendants. The case was appealed to the circuit court of appeals and the verdict in the lower court was set aside and a new trial ordered. The defendants since have settled for \$8,000. Mr. Butler frequently represented the St. Paul Street Railway Co.

Defends Slush Fund.

At present he is representing the Minneapolis company in an action brought by the city of Minneapolis to compel exposure of the expenditures of a slush fund alleged to have been used to obtain passage by the State Legislature of the notorious Brooks-Coleman law which was sponsored by the street car company.

At rare intervals, Mr. Butler appeared apparently in opposition to corporation. He was special counsel engaged by the government in the famous but unsuccessful prosecution in 1910 of the Chicago meat packers. He represented the Canadian government in the valuation proceedings of the Grand Trunk railroad. He is now engaged by the city of Toronto, Canada, in a dispute involving the valuation of street car properties which the city is about to purchase. It may, however, be a pure coincidence that the stock of the Twin City Rapid Transit Co., the parent company of the Minneapolis and St. Paul Railway companies, is largely owned by Toronto capital.

A former associate of Butler's defends him thus: "Butler is a man of great ability. The railroads and corporations recognized his ability and naturally engaged him. His talents were for sale to the highest bidder and the highest bidder always got them. It was purely a business matter. Of course, Butler has no patience with the radicals who are trying to change the laws and you can't blame him."

Flag Waver During War.

Mr. Butler is a comparatively young man, being 56 years old, and of vigorous health. Physically he is very powerful. In court he is a veritable bully, aggressive to the point of being insulting, unscrupulous, although he is not a lobbyist of the Daugherty type, and he handles witnesses with a ruthlessness seldom seen in court. Nominally, he is a Democrat, but that kind of Democrat who is agreeable to the reactionary Republican politicians. He is without question a reactionary of the most pronounced type, but the type of reactionary who fights his battles in the open and makes no bones about it.

During the war he was a professional flag waver and ready, figuratively, to shoot the radicals at sunrise without a trial. He was a member of the group of the Minnesota State Bar Assn. generally given credit for being instrumental in obtaining passage of the vicious and infamous anti-union laws of state, laws which were condemned by the New York State Bar Assn., and which resulted in the imprisonment of Townley, Gilbert and other Nonpartisan league leaders.

Ousted Liberal Professors. The best insight into the real character and views of Pierce Butler, however, is afforded by his actions as a member of the board of regents of the University of Minnesota, which position he held for 18 years. The policy of the board, it is generally admitted, reflected the policy of Mr. Butler, its outstanding and domineering character. As a member of the

board he was dominating because of his ruthlessness and force, and his actions showed that he is a man of strong hatreds, bigoted, a heresy hunter, intolerant and violently impatient with all forms of progressive thought. His policy was responsible during the war for the discharge on fictitious and absurd charges of several of the liberal professors of the university.

The discharge of William A. Schaper, classed as one of the 10 leading authorities in the country on political science, after serving the university faithfully for more than 15 years, without even the opportunity of a hearing, on a plainly trumped-up charge of pro-Germanism, was typical of the Butler policy adopted by the board during the war. Prof. Schaper was a strong advocate of municipal ownership, and framed a liberal franchise clause in a proposed home rule charter for Minneapolis which drew the fire of the corporations. The labor conciliation board investigated the charges against Prof. Schaper and recommended to the board of regents that they reconsider the matter. But Mr. Butler had acted, and when once he acts there is no turning back. He is a man not open to reason. This is the judicial temperament of the man appointed by the president as associate justice of the United States supreme court.

Believe Wealth Should Rule.

Stanley Rypins, professor of English literature; John Gray, professor of economics, who was engaged by the interstate commerce commission as a valuation expert, and Gerhard Dietrichson, professor of chemistry, now connected with the University of Illinois, were among the victims of the Butler policy. Prof. Rypins incurred the enmity of Mr. Butler by his connection with the Committee of 48, and Mr. Butler personally wrote the letter resulting in his resignation. Prof. Gray was too liberal to suit the Butler taste, and Prof. Dietrichson was of an altogether too independent mind.

In a sense, Mr. Butler personifies the great American sophistry—the land of equal opportunities where the child of the humble and poor may rise to become president, or to some other exalted position. He was born in a log cabin near Northfield, Minn., of pioneering Irish parents, and he knows what it is to work. The masses however, can derive very little comfort from that fact. He is a millionaire, or nearly so, and has the point of view of the man of great wealth and with wealth in a short time after Dr. York had development of the state. With-

FINDINGS BY VICTOR L. BERGER

"Everybody is agreed that Germany can pay only in goods and everybody is agreed that nobody wants the goods." This quotation from Lloyd George, uttered two years ago, holds good today and is a complete answer to the Clemenceau propaganda.

This year's total production of automobiles is to reach 2,500,000, a new high record. Congestion in cities now threatens to be the greatest handicap to the automobile industry. New York's traffic court magistrate declares laws may be necessary to limit the number of automobiles which may operate in New York. Since January 1, 1922, his court has heard 49,000 traffic cases.

Let me now give an idea of some of the labor conditions in Australia. In America, you know, man's work is never done. Listen to this extract from a late issue of The Age, a Melbourne daily:

Mr. E. O'Dea (Shop Assistants' Clerks' Union) obtained suspension of the standing orders to move—"That the Early Closing Act be amended and made to apply to the whole state; the abolition of the late shopping hour, and with hours fixed as from 9 a. m. to 6 p. m. Monday to Friday, and noon on Saturday." This was carried unanimously.

This action was taken at the annual conference of the Labor Party of Australia, which carried the last election in that common-wealth. It means

that work in store, shop and factory all over Australia will begin on Monday, 9 a. m. and close at 6 p. m., Friday, with 8 hours each day—and an additional half day on Saturday. Up to the present time all stores, saloons and factories close at 6 o'clock—with one night (generally Friday) with stores open until 9 o'clock. It is proposed now to cut out this "late shopping hour."

Not only in this respect, but in many other directions, is America way behind Australia in social legislation.

IOWA VETS GET BONUS FEBRUARY 1

Des Moines, Iowa, Dec. 14.—Barring unexpected delay, the first notice of the sale of the \$22,000,000 soldiers' bonus fund will be published tomorrow and indications are that the first payment of the individual claims of ex-service men and women of Iowa for the state bonus will begin February 1.

State Treasurer W. J. Burbank, in announcing the date of publication, stated that the bonds would bear four and one-quarter per cent interest.

FOR SALE—A COW

Bill Nye, the humorist, once had a cow to sell, and advertised her as follows: "Owing to my ill health I will sell at my residence, in township 19, range 18, according to the government survey, one plump raspberry cow, aged eight years. She is of undoubted courage and gives milk frequently. To a man who does not fear death in any form she would be a great boon. She is very attached to her present home with a stay chain, but she will be sold to anyone who will treat her right. She is one-fourth shorthorn and three-fourths hyena. I will also throw in a double-barrel shotgun which goes with her. In May she usually goes away for a week or two, and returns with a tall red calf with wobbly legs. Her name is Rose. I would rather sell her to a non-resident."

FRIENDS GATHER TO SHAKE HAND OF FORMER WARDEN

Conley Center of Interest in Celebration at Deer Lodge—Refreshments Are Served.

Deer Lodge—Nearly 1,500 people gathered here last Saturday night to pay their respects to Frank Conley, former warden of the state penitentiary, who was recently exonerated in court after the state had brought civil action against him for the recovery of monies alleged to have been misappropriated while he was warden. About 300 people came from Butte on a special train, and nearly 100 of Conley's friends from other parts of the state were present. The balance of the crowd was made up of Deer Lodge people.

Prominent in the Butte delegation were J. Bruce Kremer, Democratic national committeeman from Montana; W. C. Rae, tax commissioner of the Anaconda company; Frank M. Kerr, general manager of the Montana Power company; J. V. Dwyer, member of the Anaconda company's legal staff; A. J. Davis, president of the First National bank; J. K. Heslet, cashier of the Clark bank. The Butte delegation was accompanied by the Anaconda company's band.

The Missoula delegation was headed by M. J. Hutchins, editor of The Daily Missoulian and Ronald Higgins, former speaker of the house of representatives. Will A. Campbell, editor of the Helena Independent and J. Burke Clements, a reporter on the same newspaper, were among the Helena representatives.

While the festival was primarily a celebration in honor of Mr. Conley, Governor Dixon's name was mentioned quite as often as that of Mr. Conley. Speakers who spent one minute in lauding Conley devoted five to damning the governor.

The literary gem of the evening was contributed by E. G. Toomey, young attorney from Helena, formerly of Deer Lodge. In referring to the governor, he said:

"The shriveled man whom we call the governor of Montana, the lonesome, the miserable, the unadmirable individual who is governor for a day, never can and never has had such friends and such representative people of Montana back of him as those who have gathered here tonight. I have watched this case from the beginning and as a Deer Lodge citizen, I give you my word that never in the whole ordeal has the faith of the people beyond the range been shaken in Frank Conley."

The outburst was greeted with frenzied applause by Conley's friends.

"Conley for Governor!" As the spirit of the occasion grew upon those present, the slogan, "Conley for Governor" was shouted not infrequently. Harry Wilson, attorney of Great Falls and Billings, who was defeated by Dixon for the Republican nomination for governor two years ago, recited an original poem in which he reviewed the Conley case and concluded with a strong boost for Conley for governor in 1924.

The demand that Conley be a candidate for governor was echoed by M. J. Hutchins of Missoula, who said that he admired Conley for the enemies he had made.

Refreshments Served The evening's entertainment began immediately after the arrival of the Butte and Missoula delegations. They were taken to the Conley home, where refreshments were served. Later a parade was formed, which marched to the auditorium for the speaking.

After about a dozen of the visiting notables had made their speeches, Mr. Conley was allotted 10 minutes in which to speak his appreciation. He said briefly that "the cards were stacked against me," and that if his friends had not stood by him loyally he could not have been victorious.

Following the meeting here Saturday night, many of those present went to Helena to attend the meeting of the board of directors of the Montana Development association.

HISTORY'S MYSTERIES

THE MISSING MESSENGER

IT WAS on June 14, 1904, that Kent Loomis, brother of F. B. Loomis, the assistant secretary of state, sailed from New York on board the Kaiser Wilhelm II, bearing with him the text of a treaty between the United States and Abyssinia—a treaty concerning which there had been much conjecture and speculation on the part of certain European powers.

Under ordinary circumstances Loomis would have taken his wife and child with him; on this occasion, he considered it best to leave them behind in Parkersburg, W. V., both on account of the fact that he was on a diplomatic mission and because he intended to participate in some big-game hunting after delivering the treaty to King Menelik.

Nothing unusual occurred on the trip until the morning of June 20, the day on which the steamer was due to dock at Plymouth, England. It was then noted that Loomis' seat at the captain's table was empty and a steward was dispatched to find out if he were ill. A few minutes later the steward returned with the news that Loomis' berth had not been occupied and an immediate search of the ship was ordered—but without bringing to light the slightest trace of the representative of the American government.

Several passengers volunteered the information that they had seen Loomis on deck shortly after midnight and William E. Ellis, cabin-mate and traveling companion of the missing passenger, declared that his friend's absence from the cabin had not alarmed him because of the fact that Loomis had come in at a fairly late hour on several previous evenings. British officials at Plymouth and the French officers at Cherbourg repeated the search of the steamer, but in vain. Nothing was missing from the cabin save the suit which Loomis was wearing at the time and even the flat dispatch box which contained the text of the treaty was found concealed beneath a pile of clothing in one corner of Loomis' trunk. Investigation developed the fact, however, that the State department messenger had been in the habit of carrying this box in his pocket and had laid it aside on the previous evening only because it made an unseemly bulge in the dress clothes which he had donned in honor of the captain's dinner.

During the next few weeks rumors of all kinds filled the press on both sides of the Atlantic. Loomis had gone suddenly mad and had been placed in a sanatorium. He had slipped off the steamer at Plymouth disguised as a second-class passenger. He was the victim of a clique of international spies who, balked in their attempt to secure possession of the text of the treaty, were holding him for ransom. He was still confined in the hold of the Kaiser Wilhelm—and so on to the limit of the imaginations of those who like to use fact as a basis for fiction.

But all these reports were set at rest when, on the morning of July 16—just thirty-two days after Loomis had sailed from New York—a body was washed up at Warren Point, about fifteen miles from Plymouth. Believing that the body was that of a common sailor, the local police were about to inter it without further ceremony, when, from the watch-pocket of the trousers there dropped a water-soaked bit of pasteboard, upon which was barely discernible the name, "Kent J. Loomis."

Careful examination of the body developed the fact that, under the right ear, there was a circular wound which appeared to have been inflicted before death and a post-mortem examination of the lungs of the dead man showed conclusively that death had been due to the blow which had resulted in this wound, rather than to drowning. The physicians were divided in their opinion as to whether the blow had been delivered by an instrument similar to a blackjack or whether Loomis might have fallen and struck his head against a projecting portion of the ironwork on the steamer. Examination of the Kaiser Wilhelm's log showed, however, that the sea had been extremely calm on the night that Loomis came to his death and that there had not been enough roll to cause anyone to lose his footing. Besides, there was the evidence of the manner in which the body was clothed. The coat was missing, the collar had been torn partly away and there were other signs of rough treatment before Loomis had struck the water.

It was therefore practically certain that the messenger had been murdered. But who had killed him—and why? Had he been struck down on account of the money he was carrying or because of the treaty? Was his death a forecast of the World war which was to follow twelve years later? These and all the other questions which surrounded the mystery remain as one of the unsolved riddles of diplomatic intrigue.

A Bit Skeptical.

"Who is the important looking stranger?" "He styles himself advance guard of prosperity. He is here to address the business men of our town." "The hotel proprietor doesn't seem to believe he's the advance guard of prosperity. He has just refused to cash the stranger's check."—Birmingham Age-Herald.

Amnesty Is Granted
London—A dispatch from Rome says King Victor Emanuel has signed a decree granting amnesty to all accused of political crimes up to and including the seizure of the government by Benito Mussolini's forces.

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